

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIATRACYE BENARD WASHINGTON,
Plaintiff,

v.

SALINAS VALLEY STATE PRISON,
et al.,
Defendants.

Case No. 22-cv-05831 BLF (PR)

**ORDER DENYING REQUEST TO
WAIVE MEET AND CONFER
REQUIREMENT UNDER RULE
26(F) AS UNNECESSARY;
GRANTING REQUEST FOR
SUBPOENAS**

(Docket Nos. 21, 22)

Plaintiff, a state prisoner, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The Court dismissed the complaint with leave to amend. Dkt. No. 8. After Plaintiff did not file an amended complaint in the time provided, the Court ordered the matter to proceed on the cognizable claims and dismissed the other claims. Dkt. No. 14. Defendants filed a waiver of reply on July 31, 2023. Dkt. No. 18. Currently, Defendants' dispositive motion is due by October 31, 2023. Dkt. No. 19.

On September 22, 2023, Plaintiff filed a request to waive the meet and confer requirement under Federal Rule of Civil Procedure 26(f). Dkt. No. 21. Plaintiff asserts that being a prisoner "denies him the ability to initiate any meetings" with Defendants. *Id.* at 1. He requests that he be permitted to make written informal demands before he may file a motion under Rule 37 (motion to compel discovery). *Id.* at 2.

Rule 26(f) sets forth the timing requirement for an initial case management conference between the parties regarding discovery. Fed. R. Civ. P. 26(f). However, the Court's order of service specifically stated that no further court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16-1 was required before the parties may conduct discovery. Dkt. No. 14 at 5. Local Rule 16 provides for the setting of an initial case management conference, which was specifically exempted by the court order. Accordingly, Plaintiff's motion is DENIED as unnecessary. The parties need not meet for an initial case management conference and may proceed with discovery under the relevant Federal Rules of Procedure, including through written requests.

Plaintiff also requests two signed but blank subpoenas. Dkt. No. 22. The request is GRANTED. The Clerk shall send Plaintiff the requested subpoenas along with a copy of this order.

This order terminates Docket Nos. 21 and 22.

IT IS SO ORDERED.

Dated: ___ October 10, 2023 ___


BETH LABSON FREEMAN
United States District Judge